

THIRTY-SEVENTH DAY

(CONTINUED)

THURSDAY, MARCH 20, 1997

PROCEEDINGS

AFTER RECESS

The Senate met at 8:30 a.m. and was called to order by Senator Harris.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris Tuesday, March 18, 1997.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions in the order listed were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed. The votes on suspension of the Constitutional Three-day Rule and final passage are indicated after each caption.

SB 51 (Shapiro) Relating to the forfeiture of good conduct time by certain inmates confined in the institutional division or a transfer facility of the Texas Department of Criminal Justice. (31-0) (31-0)

CSSB 69 (Haywood) Relating to the control and management of university property by the board of regents of Midwestern State University. (31-0) (31-0)

SB 82 (Ellis) Relating to written communications used by voters in a polling place. (31-0) (31-0)

SB 394 (Ellis) Relating to the application process for state loan and loan guaranty programs. (31-0) (31-0)

Senator Ellis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 394** as follows:

On page 1, line 8, amend SECTION 1, after the words "Education Code" by inserting "and the Texas Higher Education Coordinating Board".

The committee amendment was read and was adopted by a viva voce vote.

CSSB 446 (Haywood) Relating to the posting of political signs on private property along certain highways. (31-0) (31-0)

SB 465 (Moncrief on behalf of Harris) Relating to the authority of a school district to charge a fee for transporting certain students. (31-0) (31-0)

SB 553 (Brown) Relating to the designation of a portion of State Highway 35 as the Stephen F. Austin Memorial Highway. (31-0) (31-0)

CSSB 616 (Sibley) Relating to the standards of conduct for former directors, officers, and employees of a nonprofit corporation under contract to invest the permanent university fund or certain other university funds and to the corporation's dealings with a former director, officer, or employee; providing a penalty. (31-0) (31-0)

SB 626 (Sibley) Relating to selection by a governmental entity of a provider of professional services. (31-0) (31-0)

CSSB 632 (Brown) Relating to payment of a nonrefundable annual fee in lieu of a bond or other form of financial security required of a person applying for or acting under a railroad commission permit to store, handle, treat, reclaim, or dispose of oil and gas waste. (31-0) (31-0)

CSSB 639 (Brown) Relating to acceptance, approval, or revocation by the Railroad Commission of Texas of organization reports, applications for permits, or certificates of compliance. (31-0) (31-0)

SB 655 (Lindsay) Relating to the payment of fees and other charges to counties by credit card. (31-0) (31-0)

SB 673 (Brown) Relating to garnishment of money held in an inmate trust fund. (31-0) (31-0)

SB 694 (Brown) Relating to the use of alternative dispute resolution procedures by state agencies. (31-0) (31-0)

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 694** as follows:

In SECTION 1, (page 3, line 1) following the end of Section 2008.004, add

"Section 2008.005. SOVEREIGN IMMUNITY. (a) This chapter does not waive immunity from suit and does not affect a waiver of immunity from suit contained in other law.

(b) The state's sovereign immunity under the Eleventh Amendment to the United States Constitution is not waived by this chapter.

(c) Nothing in this chapter authorizes binding arbitration as a method of alternative dispute resolution."

The committee amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **SB 694** as follows:

(1) In SECTION 1, Section 2008.051, Subsection (a), (page 3, line 4) between "(a)" and "Alternative", insert "Each state agency may develop and use alternative dispute resolution procedures."

(2) In SECTION 1, Section 2008.051, Subsection (b), (page 3, line 10) strike "Each agency that is subject to Chapter 2001 shall adopt its alternative dispute resolution procedure by rule." and substitute "If a state agency that is subject to Chapter 2001 adopts an alternative dispute resolution procedure, it shall do so by rule."

The committee amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend **SB 694** as follows:

In SECTION 1, Section 2008.052, Subsection (b), (page 3, line 18) strike ", except to the extent that an informed person voluntarily agrees in advance to be bound by the outcome of an alternative dispute resolution procedure.".

The committee amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 4

Amend **SB 694** as follows:

In SECTION 1, Section 2008.054, add Subsection (e) to read as follows:

(e) An impartial third party may not be required to testify in any proceedings relating to or arising out of the matter in dispute.

The committee amendment was read and was adopted by a viva voce vote.

SB 756 (Brown) Relating to certain juror donations used to compensate victims of crime. (31-0) (31-0)

CSSCR 24 (Truan) Relating to directing the Texas Department of Transportation to monitor discussions addressing overweight trucks. (viva voce vote)

SCR 25 (Armbrister) Encouraging the Texas Department of Transportation to apply technological advancements to our state's transportation infrastructure. (viva voce vote)

SCR 28 (Moncrief) Relating to investigations of abuse in psychiatric facilities operated by the University of Texas System. (viva voce vote)

SCR 29 (Brown) Granting Benita Fogarty permission to sue the state. (viva voce vote)

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:40 a.m. adjourned until 10:00 a.m. today.